

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70462 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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NITESH KUMAR SINGH @ CHHOTU SINGH SON OF SRI VINAY
SINGH RESIDENT OF RAMBAN,P.S.- SHYAMPUR BHATAHAN,
DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Binod Kumar Sinha, Adv
For the Opposite Party/s :		Mr. Jagdhar Prasad, APP Mr. Shyam Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-05-2023 Heard learned senior counsel on behalf of the petitioner,

learned counsel for the informant as well as learned APP for the

State.

The petitioner apprehend his arrest in connection with
Shyampur Bhatahan P.S. Case No.124 of 2022, registered for
the offence punishable under Sections 302, 120(B) of the Indian
Penal Code and 27 of Arms Act.

The allegation against the petitioner is that he alongwith
other co-accused persons assaulted the brother of the informant
by means of fire arms due to which he got injured and died
during the course of treatment.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case due to enmity and grudge. It is fairly submitted by the learned senior counsel that as per the FIR, there is allegation against the petitioner to assault the deceased but during the investigation four persons were apprehended by the police and they have stated before the police that the petitioner is not involved in the present case. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by learned counsel for the informant that the bail application of similarly situated co-accused has been rejected by a co-ordinate Bench of this Court.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today, the learned Court below shall pass the order on the same day in accordance with law considering the fact that during the course



of investigation, four persons were apprehended by the police
and they have not confessed the name of the petitioner.

(Anjani Kumar Sharan, J)

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